



Sen. James F. Clayborne Jr.

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09500SB2297sam002

LRB095 19075 RLJ 49458 a

1 AMENDMENT TO SENATE BILL 2297

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2297, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Municipal Code is amended by  
6 changing Section 11-19-1 as follows:

7 (65 ILCS 5/11-19-1) (from Ch. 24, par. 11-19-1)

8 Sec. 11-19-1. Contracts.

9 (a) Any city, village or incorporated town may make  
10 contracts with any other city, village, or incorporated town or  
11 with any person, corporation, or county, or any agency created  
12 by intergovernmental agreement, for more than one year and not  
13 exceeding 30 years relating to the collection and final  
14 disposition, or relating solely to either the collection or  
15 final disposition of garbage, refuse and ashes. A municipality  
16 may contract with private industry to operate a designated

1 facility for the disposal, treatment or recycling of solid  
2 waste, and may enter into contracts with private firms or local  
3 governments for the delivery of waste to such facility. In  
4 regard to a contract involving a garbage, refuse, or garbage  
5 and refuse incineration facility, the 30 year contract  
6 limitation imposed by this Section shall be computed so that  
7 the 30 years shall not begin to run until the date on which the  
8 facility actually begins accepting garbage or refuse. The  
9 payments required in regard to any contract entered into under  
10 this Division 19 shall not be regarded as indebtedness of the  
11 city, village, or incorporated town, as the case may be, for  
12 the purpose of any debt limitation imposed by any law.

13 (b) If a municipality with a population of less than  
14 1,000,000 has never awarded a franchise to a private entity for  
15 the collection of waste from non-residential locations, then  
16 that municipality may not award such a franchise without first:  
17 (i) holding at least one public hearing seeking comment on the  
18 advisability of awarding such a franchise; (ii) providing at  
19 least 30 days' written notice of the hearing, delivered by  
20 first class mail to all private entities that provide  
21 non-residential waste collection services within the  
22 municipality that the municipality is able to identify through  
23 its records; and (iii) providing public notice of the hearing.  
24 At the public hearing, the municipality must disclose and  
25 discuss the proposed franchise fee or calculation formula of  
26 such franchise fee that it will receive under the proposed

1 franchise.

2 (c) If a municipality with a population of less than  
3 1,000,000 has never awarded a franchise to a private entity for  
4 the collection of waste from non-residential locations, then a  
5 private entity may not begin providing waste collection  
6 services to non-residential locations under a franchise  
7 agreement with that municipality at any time before the date  
8 that is 15 months after the date the ordinance or resolution  
9 approving the award of the franchise is adopted.

10 (d) For purposes of this Section, "waste" means garbage,  
11 refuse, or ashes as defined in Section 11-19-2.

12 (e) A home rule unit may not award a franchise to a private  
13 entity for the collection of waste in a manner contrary to the  
14 provisions of this Section. This Section is a limitation under  
15 subsection (i) of Section 6 of Article VII of the Illinois  
16 Constitution on the concurrent exercise by home rule units of  
17 powers and functions exercised by the State.

18 (Source: P.A. 86-1023; 86-1025; 86-1039; 86-1475.)

19 Section 99. Effective date. This Act takes effect October  
20 1, 2008."